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13 UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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17 UNITED STATES OF AMERICA, No. CR 12-0119 SI
18 Plaintiff,
19 vs.
20 VICTOR FLORES and
21 BENJAMIN CAMPOS-GONZALEZ,
22 Defendants.
23 _____/

24
25 DEFENDANT FLORES' AND CAMPOS-GONZALEZ'S PROPOSED
26 SUMMARY OF THE INDICTMENT TO BE READ TO THE JURY
27 AT THE BEGINNING OF TRIAL
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1 Defendants Victor Flores and Benjamin Campo-Gonzalez submit this
2 proposed summary of the evidence to be read to the impaneled jury, along with the
3 Court's introductory instructions, prior to opening statements of counsel:
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5 Members of the jury, this is a summary of the charges in the
6 indictment in this case. The indictment is not proof of anything, but
7 merely states what the charges are and what the government is
8 required to prove beyond a reasonable doubt in this case. All of the
9 defendants at this trial have entered pleas of not guilty to the charges
10 lodged against them in the indictment.

11 There are twenty-six counts, or charges, in this trial. There are
12 four defendants on trial in this case: Victor Flores, Benjamin
13 Campos-Gonzalez, Armando Acosta, and Mario Bergren. There are
14 other defendants named in the indictment, and other counts contained
15 in the indictment, but those defendants and charges are not part of this
16 trial. Please do not speculate as to why the other defendants are not
17 present at this trial. Also, the issue of punishment, if any of the
18 defendants is found guilty, is for the Court alone to decide and not
19 something for you to consider during the trial.

20 Count One charges all four defendants with conspiring to
21 participate in a racketeering enterprise, referred to as the "C
22 Street/500 Block", which is alleged to be part of, and under the
23 control of, a larger criminal racketeering enterprise known as La
24 Nuestra Familia, a California prison gang that controls many
25 "norteno" street gangs in northern California. The government is
26 required to prove the existence of this overall alleged enterprise, that
27 it constituted an ongoing organization whose members functioned as
28 a unit that had a common purpose of achieving the criminal

1 objectives of the enterprise through a pattern of racketeering activity,
2 and that the enterprise's activities affected interstate and foreign
3 commerce. The alleged purposes of this C Street/500 Block/Nuestra
4 Familia enterprise are: (1) to claim and protect specific territory in
5 South San Francisco, and to maintain the territory, reputation and
6 profits of the enterprise through the use of intimidation, violence, and
7 threats of violence; (3) promoting the criminal activities of its
8 members including murder, attempted murder, drug trafficking, theft
9 of vehicles, robberies and other crimes; (4) keeping victims and
10 community members in fear of members and associates of the
11 enterprise through acts and threats of violence; (5) preventing law
12 enforcement officers from identifying, apprehending and prosecuting
13 members and associates of the enterprise. Count One alleges that
14 these four defendants were members of this racketeering conspiracy,
15 and that each of these defendants agreed that some co-conspirator, not
16 necessarily the defendants themselves, would commit at least two acts
17 of racketeering in furtherance of the affairs and purposes of the
18 enterprise.

19 Count Two alleges that the four defendants conspired with
20 themselves and others to commit murder in aid of racketeering. It
21 requires the government to prove beyond a reasonable doubt that the
22 defendants were actual members of the racketeering enterprise
23 charged in Count One, and that they agreed together and with each
24 other to commit murder, in violation of the California Penal Code, by
25 killing actual and suspected members of rival criminal enterprises,
26 individuals suspected of cooperating with law enforcement, and
27 individuals who defied the C Street/500 block criminal enterprise, in
28

1 order to maintain or increase their standing within the criminal
2 enterprise.

3 Count Three alleges that the four defendants conspired with
4 themselves and others to commit assault with a deadly weapon in aid
5 of racketeering. It requires the government to prove beyond a
6 reasonable doubt that the defendants were actual members of the
7 racketeering enterprise charged in Count One, and that they agreed
8 together and with each other to commit assault with a deadly weapon,
9 in violation of the California Penal Code, by committing assaults with
10 deadly weapons on actual and suspected members of rival criminal
11 enterprises, individuals suspected of cooperating with law
12 enforcement, and individuals who defied the C Street/500 block
13 criminal enterprise, in order to maintain or increase their standing
14 within the criminal enterprise.

15 Count Four alleges that two of the defendants, Armando Acosta
16 and Mario Bergren, did use and possess firearms in furtherance of a
17 crime of violence, namely the Count One Conspiracy to engage in a
18 criminal enterprise, the Count Two conspiracy to commit murder, and
19 the Count Three conspiracy to commit assault with a dangerous
20 weapon.

21 Counts Ten through Eighteen charge two defendants, Victor
22 Flores and Benjamin Campos- Gonzalez, and two others, Joseph Ortiz
23 and Justin Whipple, with acts of violent crimes in aid of racketeering
24 and use and possession of firearms during those violent crimes in aid
25 of racketeering, all involving a shooting incident on December 22,
26 2010. Count Ten alleges the murder of Gonzalo Avalas in aid of
27 racketeering. Count Eleven alleges the murder of Omar Cortez in aid
28 of racketeering. Count Twelve alleges the murder of Hector Flores in

1 aid of racketeering. Count Thirteen alleges the attempted murder of
2 Ulysses Olguin in aid of racketeering. Count Fourteen alleges the
3 attempted murder of Giovanni Ruiz in aid of racketeering. Count
4 Fifteen alleges the attempted murder of Daniel Valadez in aid of
5 racketeering. Count Sixteen alleges the attempted murder of Martin
6 Brown in aid of racketeering. Count Seventeen charges a killing,
7 namely the murders charged in Counts Ten through Twelve, by use of
8 a firearm. Count Eighteen charges the use and carrying of a firearm
9 during a crime of violence, namely the murders and attempted
10 murders charged in Counts Ten through Sixteen.

11 Counts Nineteen through Twenty-Two charge only defendant
12 Armando Acosta with various acts of obstruction of justice related to
13 events after the shooting incident on December 22, 2010. Count
14 Nineteen alleges that defendant Acosta provided assistance to
15 defendants Flores, Campos-Gonzalez, Joseph Ortiz Justin Whipple in
16 order to prevent the arrest and prosecution of those persons for the
17 shooting incident referred to in Counts Ten through Sixteen. Count
18 Twenty charges defendant Acosta with conspiring with others to
19 commit obstruction of justice. Count Twenty-One charges defendant
20 Acosta with impeding and obstructing a grand jury investigation into
21 the shooting incident on December 22, 2010. Count Twenty-Two
22 alleges that Acosta and others impeded an investigation into the
23 shooting incident on December 22, 2010, by concealing and
24 disposing of firearms allegedly used in the shooting incident of
25 December 22, 2010.

26 Counts Twenty-Three through Twenty-Seven charge only
27 defendant Campos-Gonzalez with robberies affecting interstate
28 commerce and the use or possession of a firearm during those

1 robberies. Count Twenty-Three charges Campos-Gonzalez with
2 conspiracy to commit robberies affecting interstate commerce. Count
3 Twenty-Four charges a robbery affecting interstate commerce on or
4 about April 5, 2010. Count Twenty-Five charges the use of a firearm
5 during the robbery charged in Count Twenty-Four. Count Twenty-
6 Six charges a robbery affecting interstate commerce on or about April
7 10, 2010. Count Twenty-Seven charges the use of a firearm during
8 the robbery charged in Count Twenty-Six.

9 Counts Thirty through Thirty-Three charge only defendant
10 Victor Flores, and involve an incident in Petaluma, California in the
11 early morning of May 3, 2012, when federal officers made a forced
12 entry into the residence Mr. Flores to arrest him on charges related to
13 the shooting incident of December 22, 2010 and his involvement with
14 the Csreet/500 Block criminal enterprise set forth in the other counts
15 of the indictment. Counts Thirty, Thirty-One and Thirty-Two charge
16 defendant Flores with the attempted murder of three of the federal
17 agents entering the residence, and Count Thirty Three charges
18 defendant Flores with the use of a firearm during the commission of
19 the attempted murders charged in Counts Thirty through Thirty
20 Three.

21 Again, I want to remind you that the indictment is not evidence
22 of guilt, and the government bears the burden of proving the charges
23 in the indictment beyond a reasonable doubt.

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26 Defendants submit that their proposed summary of the indictment is both
27 complete, objective and succinct. It does not include surplage from the
28 introductory portions of the indictment, which the government agreed would not

1 be read to the jury. Defendants therefore request that the Court adopt the
2 defendants' proposed summary of the indictment to be read to the jury at the
3 beginning of the trial.
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5 Dated: June 20, 2014

Respectfully Submitted,

6 /s/ Richard B. Mazer

7 RICHARD B. MAZER
8 Attorney for Defendant
9 VICTOR FLORES

10 /s/ Stuart A. Hanlon

11 STUART A. HANLON
12 Attorney for Defendant
13 BENJAMIN CAMPOS-GONZALEZ
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